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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/670,156	09/24/2003	Mark Gryzwa	279.664US1	2880
21186	7590	08/04/2005	EXAMINER	
SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A. P.O. BOX 2938 MINNEAPOLIS, MN 55402-0938			KAHELIN, MICHAEL WILLIAM	
			ART UNIT	PAPER NUMBER
			3762	

DATE MAILED: 08/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Tata

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/670,156	GRYZWA, MARK	
	<b>Examiner</b>	<b>Art Unit</b>	
	Michael Kahelin	3762	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 24 September 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>11152004</u> .  | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Information Disclosure Statement***

1. The information disclosure statement (IDS) submitted on 11/15/2204 is noted.

The submission is in compliance with the provisions of 37 CFR 1.97 and 1.98.

Accordingly, the information disclosure statement is being considered by the examiner.

### ***Specification***

The following guidelines illustrate the preferred layout for the specification of a utility application. These guidelines are suggested for the applicant's use.

#### **Arrangement of the Specification**

As provided in 37 CFR 1.77(b), the specification of a utility application should include the following sections in order. Each of the lettered items should appear in upper case, without underlining or bold type, as a section heading. If no text follows the section heading, the phrase "Not Applicable" should follow the section heading:

- (a) TITLE OF THE INVENTION.
- (b) CROSS-REFERENCE TO RELATED APPLICATIONS.
- (c) STATEMENT REGARDING FEDERALLY SPONSORED RESEARCH OR DEVELOPMENT.
- (d) THE NAMES OF THE PARTIES TO A JOINT RESEARCH AGREEMENT
- (e) INCORPORATION-BY-REFERENCE OF MATERIAL SUBMITTED ON A COMPACT DISC (See 37 CFR 1.52(e)(5) and MPEP 608.05. Computer program listings (37 CFR 1.96(c)), "Sequence Listings" (37 CFR 1.821(c)), and tables having more than 50 pages of text are permitted to be submitted on compact discs.) or  
REFERENCE TO A "MICROFICHE APPENDIX" (See MPEP § 608.05(a). "Microfiche Appendices" were accepted by the Office until March 1, 2001.)
- (f) BACKGROUND OF THE INVENTION.
  - (1) Field of the Invention.
  - (2) Description of Related Art including information disclosed under 37 CFR 1.97 and 1.98.
- (g) BRIEF SUMMARY OF THE INVENTION.
- (h) BRIEF DESCRIPTION OF THE SEVERAL VIEWS OF THE DRAWING(S).
- (i) DETAILED DESCRIPTION OF THE INVENTION.

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- (j) CLAIM OR CLAIMS (commencing on a separate sheet).
- (k) ABSTRACT OF THE DISCLOSURE (commencing on a separate sheet).
- (l) SEQUENCE LISTING (See MPEP § 2424 and 37 CFR 1.821-1.825. A "Sequence Listing" is required on paper if the application discloses a nucleotide or amino acid sequence as defined in 37 CFR 1.821(a) and if the required "Sequence Listing" is not submitted as an electronic document on compact disc).

It is suggested that the headings not be underlined or bolded.

### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claim 21-23 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 21-23 fail to further limit the method since the current limitations are results of previous steps rather than active method steps.

### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

5. Claims 1, 2, 9-13, 16, and 17 are rejected under 35 U.S.C. 102(b) as being anticipated by Hall et al. (6,385,472).
6. In regards to claim 1, 16, and 17, Hall et al. disclose a lead assembly having a proximal end, distal end, an insulating layer (col. 6, line 1), and a conductor disposed within the insulating layer (Fig. 2). Furthermore, Hall et al. disclose an electrode coupled to the lead body (Fig. 2, element 46) and a magnetic jacket surrounding the conductor (Fig. 2, element 54 and col. 4, line 42).
7. In regards to claim 2, Hall et al. disclose a conductor that is adjacent to the magnetic jacket (Fig. 2).
8. In regards to claims 9-11, Hall et al. show an assembly with a second conductor with multiple magnetic jackets surrounding both conductors.
9. In regards to claim 12, Hall et al. disclose a conductor and a magnetic jacket, both of which have inductance values.
10. In regards to claim 13, Figure 2 shows that the magnetic jacket surrounds the conductor.
11. Claims 1-23 are rejected under 35 U.S.C. 102(a) as being anticipated by Wang et al. (2004/0230271 A1). Wang et al. disclose a magnetic shielding arrangement comprising a lead, conductor, electrode, and magnetic jacket. Furthermore, the magnetic jacket consists of a substrate with magnetic particles dispersed therein, multiple conductors with multiple magnetic jackets (par. 0491), and increases the inductance compared to the conductor alone (par. 0136).

***Claim Rejections - 35 USC § 103***

12. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

13. Claims 3-8, 15, 18-20, and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hall et al. in view of Mayer (4,506,235). Hall et al. disclose the invention substantially as claimed except for a magnetic jacket that is electrically nonconductive, an insulating layer between the conductor and the magnetic jacket, a magnetic jacket with magnetic particles dispersed within a substrate, magnetic particles dispersed within the insulating layer, magnetic particles dispersed throughout the insulating layer, and increasing the inductance of the assembly. Mayer teaches of a magnetically shielded cable to attenuate noise (decrease antenna efficiency) by changing the inductive characteristics of said cable. Mayer teaches of a magnetic jacket that is not electrically conductive (col. 3, line 1) to prevent conduction between the conductor and outside environment, a two-insulating layer configuration (Fig. 2 and col. 2 line 58) to allow utilization of an electrically conductive magnetic medium, a magnetic jacket comprising a substrate with magnetic particles dispersed throughout (col. 2, line 42) to provide a bendable magnetic medium, and an insulating layer with magnetic particles dispersed throughout and within to provide a bendable and nonconductive magnetic shield. Please note that the examiner is interpreting Figure 2, element 14 as being either the magnetic jacket or the insulating layer because the

magnetic jacket is nonconductive. Furthermore, Mayer teaches of including a magnetic jacket in a cable assembly to increase the inductance of the assembly. Therefore, it would have been obvious to one having ordinary skill in the art at the time of invention to modify Hall et al.'s invention by including a magnetic jacket that is electrically nonconductive, an insulating layer between the conductor and the magnetic jacket, a magnetic jacket with magnetic particles dispersed within a substrate, magnetic particles dispersed within the insulating layer, magnetic particles dispersed throughout the insulating layer, and a magnetic jacket to prevent conduction between the conductor and outside environment, allow utilization of an electrically conductive magnetic medium, provide a bendable and nonconductive magnetic medium, attenuate noise (decrease the antenna efficiency) and increase the inductance of the assembly.

14. Claims 14, 21, and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hall et al. in view of Wang et al. (2004/0230271 A1). Hall et al. disclose the invention substantially as claimed except for a lead assembly with an inductance value greater than the conductor's inductance value, adding the inductance of the magnetic jacket to the inductance of the conductor, and decreasing the interpretation of interference as cardiac activity. Wang et al. teach of coating a conductor with a magnetic jacket to increase the inductance (Par. 0136) and decrease interference, adding the inductance of the magnetic jacket to the conductor (Par. 0136) to provide high inductance, and decreasing the interference sensed by an encased medical device (Par. 0490) to avoid misdiagnosis. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to coat

a conductor with a magnetic jacket, add the inductance value of the magnetic jacket with the conductor, and decrease the interpretation of interference as cardiac activity to decrease the interpretation of interference, provide a high inductance value, and avoid misdiagnosis.

15. Claims 1-10, 12, 13, and 15-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wang et al. (6,876,886 B1) in view of Berkovits (3,825,015). Wang et al. disclose the invention essentially as claimed except for providing an electrode at the distal end of the lead. Berkovits teaches of an endocardial lead having an electrode on the distal end to make electrical contact with the atria and ventricles. Therefore, it would have been obvious to one having ordinary skill in the art at the time of invention to modify Wang et al.'s invention by applying the teaching of Berkovits to produce a magnetically shielded lead with electrodes to make electrical contact with the heart.

### ***Conclusion***

16. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Several examples of wire assemblies utilizing magnets are provided.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Kahelin whose telephone number is (571)272-8688. The examiner can normally be reached on M-F, 9-5.




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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Angela Sykes can be reached on (571)272-4955. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MWK

  
JEFFREY R. JASTRZAB  
PRIMARY EXAMINER

8/31/05